

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

IN RE:	§	
	§	
FWLL, LLC	§	BANKRUPTCY No. 15-52071-CAG
	§	
DEBTOR	§	CHAPTER 11 CASE
	§	

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**DEBTOR'S RESPONSE TO MOTION TO CONVERT CASE TO CHAPTER 7 OR IN THE ALTERNATIVE  
MOTION TO APPOINT CHAPTER 11 TRUSTEE**

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**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

FWLL, LLC (“Debtor”), the Debtor and Debtor-in-Possession in the above captioned bankruptcy case (the “Case”), hereby files this *Response to Motion to Convert Case to Chapter 7 or in the Alternative Motion to Appoint Chapter 11 Trustee* (the “Response”) to the *Motion to Convert Case to Chapter 7 or in the Alternative Motion to Appoint Chapter 11 Trustee* [Dckt. No. 36](the “Motion”). In support of the Response, Debtor respectfully represents as follows:

**RESPONSE TO MOTION**

1. Admit.
2. Debtor admits the date the case was filed, but denies the rest of paragraph 2.
3. Deny.
4. Deny.
5. Deny.
6. Paragraph 6 is a statement of legal conclusions for which no response is required; however, to the extent a response is required, Debtor denies the statements contained in paragraph 6.

7. Deny.

8. Deny.

9. Deny. While a chapter 7 trustee can pursue certain causes of action, there may be rights that a chapter 11 trustee could pursue through confirmation of a liquidating plan, which would further benefit the trade creditors in this case. The request by 2040 Babcock, Ltd. and other investors is an attempt to shield themselves from liability to innocent trade creditors.

10. Deny.

11. Stan Bates, the Debtor's remaining officer, is unable to continue managing the affairs of the Debtor for the purpose of paying the innocent trade creditors, given the animosity and intent of investors such as 2040 Babcock, Ltd. to settle their personal vendetta against Mr. Bates. Debtor is willing to agree to the appointment of a chapter 11 trustee, so that a plan may be proposed to benefit the trade creditors in this case.

12. Paragraph 12 is a statement of legal conclusions for which no response is required; however, to the extent a response is required, Debtor denies the statements contained in paragraph 12.

13. Deny.

WHEREFORE, the Debtor respectfully requests that the Court enter an order denying the request to convert the case to chapter 7; instead, the Court should appoint a chapter 11 trustee to manage the affairs of the Debtor and grant such other and further relief as may be just and proper.

Respectfully submitted,

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**PROPOSED ATTORNEYS FOR DEBTOR AND  
DEBTOR-IN-POSSESSION**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3rd day of November, 2015, a true and correct copy of the foregoing document was filed with the Court and served electronically upon those parties registered to receive electronic notice via the Court's CM/ECF system. I further certify that it has been transmitted by first class mail to the parties as set forth below.

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*/s/ Thomas Rice*

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